

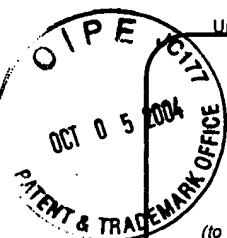
AF/1711
8
ETW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 09/756,477

Filing Date 01/08/2001

First Named Inventor DAVID E. FORD, ET AL.

Art Unit 1711

Examiner Name U.K. RAJGURU

Attorney Docket Number 6240.880

ENCLOSURES (Check all that apply)

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/
Incomplete Application
<input type="checkbox"/> Reply to Missing Parts
under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers

<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a
Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address

<input type="checkbox"/> Terminal Disclaimer

<input type="checkbox"/> Request for Refund

<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC

<input checked="" type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences

<input type="checkbox"/> Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

<input type="checkbox"/> Proprietary Information

<input type="checkbox"/> Status Letter

<input type="checkbox"/> Other Enclosure(s) (please identify
below): |
|--|--|--|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Liniak, Berenato & White, LLC

Signature

Printed name Joseph W. Berenato, III

Date 10/05/2004

Reg. No. 30,546

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 300.00)

Complete if Known

Application Number	09/756,477
Filing Date	01/08/2001
First Named Inventor	DAVID E. FORD, ET AL.
Examiner Name	U.K. RAJGURU
Art Unit	1711
Attorney Docket No.	6240.880

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

50-0548

LINIAK, BERENATO & WHITE,

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below	Fee Paid
Total Claims	<input type="text"/>	-20** =	<input type="text"/>	X	<input type="text"/>
Independent Claims	<input type="text"/>	-3** =	<input type="text"/>	X	<input type="text"/>
Multiple Dependent				<input type="text"/>	<input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	300.00
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 300.00)

SUBMITTED BY

Name (Print/Type)	Joseph W. Berenato, III	Registration No. (Attorney/Agent)	30,546	Telephone	301-896-0600
Signature		Date	10/05/2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of
DAVID E. FORD, ET AL.

Serial No. 09/756,477

Filed: January 8, 2001

Title: THERMOPLASTIC DOOR SKINS
AND METHOD OF MANUFACTURE
THEREOF

:
:
Art Unit: 1711
:
Examiner: Rajguru, U.K.
:
Atty. Dkt.: 6240.880

APPELLANT'S REPLY BRIEF UNDER 37 CFR 1.193(b).

Mail Stop Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Technology Center 1700

Dear Sir:

Appellant requests that the following remarks be considered in reply to the
Examiner's Answer of August 5, 2004 to Appellant's Appeal Brief submitted on April
14, 2004.

REMARKS

Grouping of Claims:

The Examiner asserts that all claims under appeal are directed to one invention, a molded door skin, and therefore stand or fall together. Appellant respectfully disagrees. While all of the claims are directed generally to a molded door skin, each claim defines a separate invention having distinct limitations that are patentably distinguishable from inventions set forth in other claims. As noted in Appellant's Brief, each claim must be considered separately given there may be several inventions disclosed in the application. Obviously, a broad category such as a door skin may include numerous patentably distinguishable inventions. Appellant has properly stated in its Brief that the claims do not stand or fall together, and presented arguments in support thereof pursuant to MPEP §1206. Therefore, the Examiner's position is without merit.

Reply to Arguments:

The Examiner's combination of the cited references is inappropriate. Sasaki et al. and Plummer et al. are neither in the field of Chen's endeavor nor reasonably pertinent to the particular problem with which the inventor was concerned. Sasaki et al. disclose molded articles used as automotive interior materials integrated with a skin material. Plummer et al. disclose composite thermoplastic materials used for making structural members. Such articles are not comparable to a molded door skin. Indeed, the Examiner acknowledges that these references are "not directed to the same invention as that of Chen".

However, the Examiner asserts that "Sasaki and Plummer offer useful suggestion/s to solve the particular problems faced by Chen." It is unclear what problems

Sasaki et al. and Plummer et al. address, particularly since neither of these references are directed to similar inventions to that of Chen. The advantages disclosed by Chen are disclosed in the '870 patent:

The advantages of this invention are as following: First, it provides structure for interlocking the top and sides of the skins together. Second, improve the strength of the frame less door, by adding increased thickness on the strips on the sides and top. Finally, door bottom uses preformed bottom insert 31 that increases moisture resistance and limits deformation. In addition, the door bottom can be trimmed with difficulty. A major advantage is using the interlocking ribs with grooves in the accessory block and hinge member that makes the door assembly functional without a significant internal structure.

See U.S. Patent No. 5,644,870, column 3, lines 44-54. Thus, Chen is not concerned with altering the composition of its door skins. More importantly, there is no suggestion or motivation for combining Chen with Sasaki et al. and/or Plummer et al. The Examiner has failed to establish a *prima facie* case of obviousness.

The Examiner also admits that the “prior art does not specifically and exactly teach the claimed amounts of claimed ingredients of the composition”, but asserts that it “is well known in the art and also obvious to vary amount disclosed in the prior art to obtain end product/s with specific desired characteristics”. First, Appellant is not simply claiming a composition, as discussed in the Appeal Brief. Second, there is no suggestion or motivation for modifying the compositions of Sasaki et al. or Plummer et al. Third, even if there were such a suggestion, which there is not, there is no suggestion or motivation for combining Sasaki et al. and Plummer et al. with Chen.

The combination of the cited references in a manner that reconstructs Appellant's invention only with the benefit of hindsight is insufficient to establish a *prima facie* case of obviousness.

In light of the arguments set forth herein, as well as those submitted in the Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's Final rejection. Allowance of all pending claims is earnestly solicited.

Appellant submits herewith a Request for an Oral Hearing pursuant to 37 C.R.F. §1.194, along with the requisite fee. It is believed that no other fees are due with this submission. Should that determination be incorrect, then please debit Account No. 50-0548 and notify the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. C. Schrot', written in a cursive style.

William C. Schrot
Registration No. 48,447
Attorney for Appellant

Liniak, Berenato & White, LLC
6550 Rock Spring Drive, Suite 240
Bethesda, Maryland 20817
Telephone: (301) 896-0600
Facsimile: (301) 896-0607
Email: wschrot@lblw.com